

REMARKS

Claims 1-22 are pending and at issue in the application with claims 1, 11 and 17 being independent claims. As a result, 3 independent claims remain in the application as previously paid for, and 22 total claims remain in the application as previously paid for. This response is being timely filed with a one-month extension of time and fee. The applicants believe no additional fee is due. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The applicants respectfully traverse the rejections of claims 1-22 under 35 U.S.C. §102(b) as anticipated by Keyes, IV et al. (U.S. Patent Application Publication No. 2006/0142875). As an initial matter, the applicants believe Keyes, IV et al. is not available as prior art under 35 U.S.C. §102(b), as Keyes, IV et al. was not published until after the filing date of the present application. Accordingly, the applicants respectfully submit that Keyes, IV et al. is more properly treated as a 35 U.S.C. §102(e) reference.

Each of claims 1-22 recites a diagnostic system for a field device in a process control apparatus, a method of monitoring the performance of a process control system that includes a field device or a field device for a process control apparatus. Each of claims 1-22 further recite receiving or collecting data from a sensor, detecting an occurrence of a predetermined process event, and storing data from the sensor received or collected at a time corresponding to the occurrence of the predetermined process event.

The cited portions of Keyes, IV et al. do not disclose or suggest detecting the occurrence of a predetermined process event and storing sensor data corresponding to the occurrence of the predetermined process event. In particular, while Keyes, IV et al. discloses a device 10 that includes a processor 16, a memory 18 and sensors 26, 28, and which may be appended to process control equipment for data acquisition activities (see paragraphs [0012]-[0015] and [0023]; Fig. 1), the device 10 does not detect an occurrence of a predetermined process event. Instead, the processor 16 of the device 10 executes a routine 44 to perform data acquisition or monitoring activities, in which sensors convey information to the processor 16. (See paragraph [0024], [0038] and [0039]). However, Keyes, IV et al. does not otherwise disclose the details about the data acquisition or monitoring activities, much

less that the data acquisition or monitoring activities include detecting an occurrence of a predetermined process event. Further, the memory 18 of Keyes, IV et al. only appears to store the routines 44 for data acquisition and not sensor data, much less sensor data received at a time corresponding to the occurrence of a predetermined process event. (See paragraph [0024], [0025] and [0038]). Indeed, the action does not offer any grounds explaining how the cited portions of Keyes, IV et al. disclose a predetermined process event, much less detection thereof or storing sensor data at a time corresponding thereto. (See paragraph [0024]).

As a result, while Keyes, IV et al. discloses an appendable device 10 that performs data acquisition or monitoring activities, Keyes, IV et al. does not further disclose detecting an occurrence of a predetermined process event, much less storing sensor data corresponding to the occurrence of a predetermined process event. Instead, Keyes, IV et al. discloses online monitoring and data acquisition. It is clear that claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. It is further clear that the Office bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of anticipation, and the Office has not met that burden in the action. See MPEP 2131. Accordingly, the action has not presented a *prima facie* case of anticipation for claims 1-22, and the rejection of claims 1-22 as asserted in the action cannot be sustained.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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